

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHERYL JULIAN,

Plaintiff,

v.

Hon. Hugh B. Scott

04CV964S

Order

TOWN OF CHEEKTOWAGA, et al.,

Defendants.

Before the Court is plaintiff's motion to compel and to extend discovery deadlines (including the deadline for motions to compel) (Docket No. 18, filed Sept. 27, 2005). According to the current Scheduling Order (Docket No. 13), motions to compel discovery were due by September 27, 2005, with discovery concluded by October 28, 2005 (id. ¶ 3).

According to plaintiff's counsel's affirmation in support of this motion, the parties have exchanged discovery demands and are expected to resolve any outstanding issues without Court intervention (Docket No. 18, Pl. Atty. Affirm. ¶ 3), but, to preserve her rights, plaintiff moved to compel and for an extension of the time to make (or amend) this motion to October 28 (id. ¶ 4). The motion does not indicate a present discovery dispute or a particular item plaintiff wishes produced that defendants have not provided. This portion of plaintiff's motion is **denied without prejudice**; if plaintiff has difficulty obtaining particular items, she may renew this motion.

As for her motion for extension of time to make or amend a motion to compel, that motion is **granted**. Parties have until **October 28, 2005**, in which to move to compel discovery. As a result, all discovery in this case shall conclude on **November 30, 2005**. All remaining dates (including the dispositive motion deadline of **January 26, 2006**) in the current Scheduling Order remain in place.

So Ordered.

s/HBS
Hon. Hugh B. Scott
United States Magistrate Judge

Dated: Buffalo, New York
October 6, 2005